

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

November 5, 2014

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, November 5, 2014 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, David Collins, John Jackson, Richard Taylor, Wendy Taylor Humphrey and Alan Doucet (alternate).

Also present were: David Petrarca, Town Solicitor, Peter Ruggeiro, Town Solicitor and Mary Ann Escobar, Court Reporter, and Christopher Synott, Building Official.

1. A petition has been filed by Cellco Partnership d/b/a Verizon Wireless c/o McLane Law Firm, Ryan J. Swartz, Esquire requesting a special use permit to Article IV Section 5.d. of the Tiverton Zoning Ordinance in order to construct a 150' telecommunications tower for the installation of wireless telecommunications equipment by applicant and to promote collocation for other wireless carriers located at 500 Eagleville Road, Tiverton, RI being Plat 205 Lot 104 on Tiverton Tax Assessor's Maps and located in an Industrial zoning district.

DECISION: Attorney Holanan appeared on behalf of the petitioner requesting a continuation to next month. Ms. Holanan also mentioned to the Board that they overlooked requesting a variance due to the height of said tower. They will also be looking into new technologies that may service this area in a more efficient manner. So for those reasons, Ms. Holanan requested a continuance until next month. Ms. Gescheidt asked Ms. Holanan if they were willing to waive the 150 day speedy hearing issues regarding the FCC and Ms. Holanan agreed they would waive the 150 day hearing issues.

Mr. Collins made a motion to continue this petition until December 3, 2014 whereby they will hear both variance requests collectively and vote separately on each one. Mr. Taylor seconded. The Vote was Unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Mr. Taylor and Ms. Humphrey.

2. A petition has been filed by Mark Faris of Tiverton, RI requesting a variance to Article XIV Section 7.b.(2) of the Tiverton Zoning Ordinance in order to change a prior non-conforming use of a Dance Studio to a non-conforming use selling antiques in a portion of the structure located at 1060 Crandall Road, Tiverton, RI being Plat 605 Lot 123 on Tiverton Tax Assessor's maps and located in a R80 zoning district. (This petition was previously approved by the Zoning Board of Review but the application had incorrectly listed the structure's address as 1048 Crandall Road.)

DECISION: Mr. Faris appeared before the Board stating that this petition has been previously granted, but there was a typographical error on the address. The address was previously listed as 1048 and the correct address is 1060. The Board questioned Mr. Faris if anything new has happened or if there are any new circumstances surrounding the property. Mr. Faris responded no.

Mr. Collins made a motion to grant the variance for the 1060 address. Mr. Taylor seconded. The Vote was Unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Mr. Taylor and Ms. Humphrey.

3. A petition has been filed by Douglas and Lynne Swass of Tiverton, RI requesting a special use permit to Article IV Section 3.b. of the Tiverton Zoning Ordinance in order operate a kennel to breed Labrador Retrievers on the property located at 1595 Bulgarmarsh Road, Tiverton, RI being Plat 512 Lot 135 on Tiverton Tax Assessor's maps whereby a special use permit is required in a R80 zoning district.

DECISION: Mr. and Mrs. Swass appeared before the Board. They stated that they wish to begin a breeding program for Labrador Retrievers on their property. They would have no more than 4 to 6 dogs at a time and would only be breeding two or three dogs at a time. They only breed once a year. They supplied a plan of the proposed shed and run area, which the Board had some difficulty reading. Ms. Gescheidt suggested that they get a more detailed drawing and more information regarding their petition in order to prove their request for a special use permit under the Town Ordinance guidelines.

Mr. & Mrs. Swass requested a continuance in order to get a more detailed drawing and information for the board regarding their intentions.

Mr. Taylor made a motion to continue this matter to January 6, 2015. Mr. Jackson seconded. The Vote was Unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Mr. Taylor and Ms. Humphrey.

Administrative Items: Mr. Taylor made a motion to approve the minutes from October 1, 2014. Mr. Jackson seconded. The Vote was Unanimous. Voting were Ms. Gescheidt, Mr. Collins, Mr. Jackson, Mr. Taylor and Ms. Humphrey.

Whereupon the hearing ended at 7:45 p.m.

ZBR: MAE